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In re Application of

FAIGLE, et al.

Application No.: 10/538,957

PCT No.: PCT/EP03/13664

Int. Filing Date: 04 December 2003

Priority Date: 14 December 2002

Attorney Docket No.: WW033USU

For: METHOD AND DEVICE FOR REDUCING
PRESSURE FLUCTUATIONS IN A SUCTION
PIPE OF A WATER TURBINE OR WATER
PUMP OR WATER-PUMP TURBINE

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's facsimile communication filed 31 August 2006 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is required.

BACKGROUND

On 04 December 2003, applicant filed the international application, which claimed a priority date of 14 December 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 July 2004. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 14 June 2005.

On 14 June 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 03 November 2005, applicant was mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 17 November 2005, applicant filed a response including an executed combined declaration and power of attorney of the inventors.

On 24 July 2006, applicant was again mailed a "NOTIFICATION OF MISSING

REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) informing applicant of the need to provide an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. Applicant was afforded two months to file the proper reply and informed that this period could be extended pursuant to 37 CFR 1.136(a).

On 31 August 2006, applicant filed the present correspondence including a copy of the filed declaration.

DISCUSSION

Although applicant has not provided a copy of a return receipt postcard for the 17 November 2005 filing, a review of the application file finds the subject filing contained therein. It is stamped with a USPTO date stamp of "OIPE IAP75 Patent & Trademark Office NOV 17 2005." Thus, it is clear that the combined declaration and power of attorney was filed with the office on 17 November 2005 and there is no need to consider applicant's petition under 37 CFR 1.181.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **DISMISSED as moot**.

The application has an international filing date of 04 December 2003 under 35 U.S.C. 363 and will be accorded a date of **17 November 2005** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" (Form PCT/DO/EO/905) mailed 24 July 2006 is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495" (Form PCT/DO/EO/903) and an official filing receipt indicating the 371 date as detailed above.



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